



2009 INFORMATION GUIDANCE REQUEST FOR J-1 VISA WAIVER RECOMMENDATION SPECIALTY PHYSICIANS

The United States Citizenship and Immigration Services (USCIS) of the U.S. Department of Homeland Security, successor to the Immigration and Naturalization Service of the U.S. Department of Justice, is the federal agency that grants J-1 visa waivers.

The goal of the Arizona Department of Health Services (ADHS) J-1 Visa Waiver Program is to improve accessibility to health care for underserved areas by supporting J-1 visa waiver requests on behalf of foreign medical graduates who have obtained a J-1 visa for graduate medical studies in the United States ("J-1 physicians"). Based on the information provided with a request, ADHS may recommend a waiver of the requirement that a J-1 physician must return to the physician's home country for a period of two years after completing the graduate medical studies.

The Arizona Department of Health Services (ADHS) J-1 Visa Waiver Program supports waivers for primary care physicians (family or general practice, pediatrics, obstetrics/gynecology, and general internal medicine) in federally designated Health Professional Shortage Areas (HPSA), Medically Underserved Areas (MUA), or Medically Underserved Populations (MUP), and for psychiatrists in mental health HPSAs.

Primary care physicians or psychiatrists will fill at least 22 of the slots. Up to seven (7) slots may be available to specialists providing full-time specialty services in federally designated Health Professional Shortage Areas (HPSA), Medically Underserved Areas (MUA), or Medically Underserved Populations (MUP).

The Program does not support waivers for J-1 physicians in research positions or practicing in long-term care facilities, chronic care facilities, or rehabilitation facilities.

ELIGIBILITY

PHYSICIAN:

To be eligible, a J-1 physician must:

- Have an offer of full-time employment (at least 40 hours per week) at an eligible service site located in a federally designated Health Professional Shortage Area (HPSA) or in a federally designated Medically Underserved Area (MUA), or serving in a federally designated Medically Underserved Population (MUP),
- Sign a contract to work at the approved service site full-time (40 hrs per week) for a period of not less than three years, and
- Be eligible for an Arizona medical license.

SERVICE SITE:

To be eligible, a service site must:

- Be located in a federally designated HPSA or federally designated MUA, or in a federally designated MUP;
- Have been operational and providing care for at least six months as of the date of the request for an ADHS recommendation;
- Have tried to recruit a U.S. citizen physician prior to April 1, 2008 and must be able to document recruitment efforts (recruitment dates must be documented);
- Use a sliding-discount-to-fee scale based on ability to pay for all patients at the facility who are uninsured and at or below 200% of current Federal Poverty Guidelines;
- The sliding-discount-to-fee-scale must be based on the current U.S. Department of Health and Human Services Federal Poverty Guidelines as published in the Federal Register and adhere to A.A.C. R9-1-504 sliding fee schedule submission and contents available at: http://www.azsos.gov/PUBLIC_SERVICES/Title_09/9-01.htm .

THE EMPLOYER AND THE J-1 PHYSICIAN MUST:

- Accept all patients regardless of method of payment, including AHCCCS (Medicaid), Medicare assignment and ability to pay;
- Provide services to those who have no health insurance coverage;
- Charge patients at the usual and prevailing rates in this area; and
- Use a sliding-discount-to-fee scale based on ability to pay for all patients at the facility who are uninsured and at or below 200% of Federal Poverty Guidelines.
- Post a notice of discount in a clearly visible location such as a patient waiting room.

If a service site does not meet all the requirements listed above, the site is not eligible, and an application **WILL NOT** be processed.

POLICY

Providing that the J-1 Visa Waiver Program is reauthorized by Congress, each federal fiscal year, October 1 through September 30, Arizona has 30 available slots for J-1 physicians.

Primary care physicians or psychiatrists may fill at least 22 of the slots. Specialists providing full-time specialty services may fill at least seven slots. The program will retain one slot to be used at the discretion of the ADHS. If this slot is not used by June 30, it will revert to an available position and all applications will be considered.

Each service site is limited to two approved J-1 physicians per site per year.

The 2009 state program will open on October 1, 2008. Complete applications received by ADHS or post-marked on or before November 29, 2008 will be considered. If any slots remain to be filled, an announcement will be made through our webpage and complete applications received by ADHS or post-marked on or before March 30, 2009 will be processed. Each federal fiscal year the ADHS J-1 Visa Waiver Program will close when all slots are filled.

APPLICATION REVIEW PROCESS

Requests for an ADHS recommendation will be reviewed for completeness, inclusion of all documents, appropriateness of the service site, the J-1 physician's type of practice or specialty, and adherence to the ADHS J-1 Visa Waiver Program and to federal guidelines.

A decision for a letter of support typically takes approximately six – eight weeks upon receipt of complete application or receipt of missing items. The J-1 physician, sponsoring employer, and legal representation will be notified by ADHS, via mail or email, regarding the status of the application when the decision has been made.

SCORING

All complete applications will be scored. An application for a J-1 visa waiver recommendation will receive weighted points based on the information in the application for an ADHS J-1 visa waiver recommendation. J-1 visa waiver recommendations for Specialists may support up to seven applications. The top seven scoring specialist applicants may be recommended. For details regarding the weighted scoring system, please link to http://www.azdhs.gov/hsd/visa_waiver.htm.

AD HOC REVIEW COMMITTEE

A five-member review committee, consisting of three ADHS personnel selected under the authority of the ADHS Director, representatives from the Arizona Rural Health Office and the Association of Community Health Centers, will review requests for an ADHS J-1 visa waiver recommendation if:

- ADHS receives more than seven complete applications for the specialist J-1 visa waiver slots, and two or more applicants have equal score, and only one specialist slot remains to be filled.

The committee's decision will be discretionary and will be based on the needs of the community, where each J-1 physician with equal score proposes to practice and the physician's ability to meet the needs.

ADHS HELD HARMLESS

The ADHS reserves the right to deny support of a J-1 visa waiver application. If support is denied, ADHS will not forward the application to the U.S. Department of State (DOS) Waiver Review Division. The ADHS does not bear any liability for the denial of support of a J-1 visa waiver application, which includes, but is not limited to, the consequences arising from any practice arrangements or contracts entered into by the J-1 physician or proposed employer before or after requesting an ADHS J-1 visa waiver recommendation.

In the event that an application is denied, the ADHS will notify the J-1 physician of the denial via mail or e-mail and return the application to the lawyer of record or to the J-1 physician if the physician is not represented by a lawyer.

REQUIREMENTS

The ADHS requires all of the following documentation submitted by Nov 30, 2008:

Please submit the items, in the order and quantity listed, to:

J-1 Visa Waiver Program Manager
Arizona Department of Health Services
1740 West Adams, Room 410
Phoenix, AZ 85007

Please Note: WRITE YOUR CASE NUMBER ON EACH PAGE SUBMITTED.

1. **DS-3035, Review Application Form, Data Sheet (current edition) Two (2) copies.** Refer to http://travel.state.gov/visa/tempvisitors_info_waivers.html. Link to 'J-1 Visa Waiver Review Application' for the current data sheet and processing instructions. Please note: DOS WILL ACCEPT ONLY CURRENT DATA SHEET APPLICATIONS. Applications with other versions of the Data Sheet will be returned to the sender without processing.
2. **A letter from the head of the organization that wishes to hire the J-1 physician Original and one (1) copy.** The letter should include this wording verbatim: "(Name of Organization) *requests the Arizona Department of Health Services act as an interested government agency and recommend a waiver for the physician*".
3. **Valid contract of full-time employment from the time USCIS grants a waiver of the two-year home-country residency requirement. Two (2) copies of the signed employment contract.**
 - The contract must specify the service site(s) where the J-1 physician will provide services.
 - The contract must be for at least three (3) years, 40 hours per week, and must specify the specialty services that will be provided.
 - The physician must agree to begin employment at the approved service site(s) within 90 days of receiving a J-1 visa waiver (must state in contract).
 - Both the J-1 physician and the employer must sign the contract.
 - The contract may not include a Non-Compete Clause.
 - The contract may only be terminated for cause and may not be terminated by mutual agreement.
 - The J-1 physician and the employer may not change, by contractual amendment or otherwise, the essential terms of the employment contract as required by the ADHS J-1 Visa Waiver Program (the contract should include this wording verbatim).

- Until the J-1 physician completes the three-year commitment, the J-1 physician must provide services:
 - At the service site(s) specified in the employment contract,
 - To the patients specified in the employment contract, and
 - In the manner specified in the employment contract.

4. Evidence that the facility is in a federally designated Health Professional Shortage Area (HPSA) or federally designated Medically Underserved Area (MUA) or serves in a federally designated Medically Underserved Population (MUP). **Two (2) copies.**

Refer to <http://hpsafind.hrsa.gov/> for official listing of designated HPSAs, and <http://muafind.hrsa.gov/> for official listing of designated MUAs and MUPs.

5. Legible copies of the physician's IAP-66/DS-2019, Certificate of Eligibility for Exchange Visitor (J-1) Status forms, covering every period the physician was in J-1 status. **Two (2) copies** IAP-66/DS-2019 forms must be submitted in chronological order with the "Begin a new program" first.

6. Curriculum Vitae. **Two (2) copies.**

7. Form G-28, Notice of Entry of Appearance as Attorney or Representative **Two (2) copies.** If applicable.

8. A description of the J-1 physician's proposed responsibilities and schedule (hours per day and days per week) **One (1) copy.** Provide a statement of how the J-1 physician's employment will satisfy important unmet needs, including the health care needs of the specific community and preventive programs the physician will initiate or continue that address health problems prevalent in the specific community, etc.

9. Recruitment documentation. **One (1) copy of advertisements or announcements and one (1) copy of the description of recruitment efforts.** Documentation demonstrating that the employer made a good faith effort to recruit a United States citizen primary care physician for the job opportunity in the same salary range prior to April 1, 2008 and that the effort was not successful. The documentation may include dated advertisements or announcements in news papers or professional journals, residency programs, etc. The employer must describe the recruitment efforts, including the number of United States citizen physicians, who responded to the advertisements or announcements, the number of United States citizen physicians interviewed, and outcome of any interviews. The description of recruitment efforts must clearly demonstrate that the employer could not find a United States citizen primary care physician through traditional recruitment methods.

10. **Physician application and Service Site application. One (1) copy of each application. If applicable complete a service site application for each additional service site.** Available at http://www.azdhs.gov/hsd/visa_waiver.htm.
11. **A sliding discount-to-fee schedule (SFS) and the procedure in place for its use. One (1) copy of the SFS and procedure.**
The sliding discount-to-fee schedule must be based on current Federal Poverty Guidelines available at: <http://aspe.hhs.gov/poverty/08poverty.shtml> and adhere to A.A.C. R9-1-504 sliding fee schedule submission and contents available at: http://www.azsos.gov/PUBLIC_SREVICES/Title_09/9-01.htm Please note: Discounts must be offered to all patients at the facility who are uninsured and at or below 200% of current Federal Poverty Guidelines. An Encounter Report, indicating use of the sliding discount-to-fee schedule, must be filed with the ADHS on a quarterly basis, after the start of the J-1 physician's employment at the service site. **Please provide one (1) copy of the Service Site's sliding discount-to-fee schedule and procedure.**
12. **Three current letters of community support. – Please provide the original of each letter.** Letters of support for employing the J-1 physician to provide primary care services at the service site. Examples of letters of support include: Letters from the county medical society and/or from a representative sample of providers in the service site area; and letters of support from any federally funded program (community health center, National Health Service Corps) or state funded program in the service site area verifying that employment of the J-1 physician will benefit delivery of primary care services in the area. Letters of support should not be from members of the sponsoring organization or service site.
13. **Copies of the J-1 physician's Arizona Medical license or Arizona Medical license application, if license is not yet issued. One (1) copy of the license or license application.** Contact the Arizona Medical Board at (480) 551-2700 or at: <http://www.azmd.gov/>

WRITE YOUR CASE NUMBER ON EACH PAGE SUBMITTED.

To ensure that a request for an ADHS J-1 visa waiver application will be considered, **ALL** required Step 3 items should be received by ADHS or be post-marked on or before the established deadline.

PROCEDURE

Your case number is very important. *Be sure to write the full case number on any documentation submitted and on the outside envelope of all future correspondence.*

STEP 1. Apply for a case number from the United States Department of State (DOS) (Please refer to Requirement #1).

STEP 2. Receive your case number and an instruction sheet from DOS.

The instruction sheet from DOS may include a list of documents that are required by the Waiver Review Division (ADHS requires items 1-13 of the Requirements in order to consider the request for a letter of support). *If the DOS Waiver Review Division asks for an item that is not on the ADHS Requirement list, be sure to include that item.*

STEP 3. Submit all required documents 1-13 to the ADHS.

STEP 4. If the ADHS decides to support a J-1 visa waiver application, the ADHS will submit all required documents and letters relating to the application to the DOS Waiver Review Division. At this point, the ADHS is no longer directly involved in the process. The ADHS will inform the J-1 physician or the lawyer of record when this happens. The J-1 physician may check on application status **ONLY** by calling DOS at (202) 663-1600 and by providing the case number.

In the event that an application is denied, the ADHS will notify the J-1 physician of the denial via mail or e-mail and return the application to the lawyer of record or to the J-1 physician, if the physician is not represented by a lawyer.

STEP 5: The DOS Waiver Review Division will send its recommendation directly to USCIS. The J-1 physician should receive a copy of that recommendation at the address listed on the J-1 physician's data sheet. **The J-1 physician must provide to the ADHS J-1 Visa Waiver Program Manager a copy of the J-1 Visa Waiver approval from USCIS.**

Thank you for your interest in serving the medically underserved in Arizona.

IMPORTANT RESOURCES

- For information regarding primary care HPSAs, MUAs, and MUPs, and mental health HPSAs, refer to: <http://www.azdhs.gov/hsd/>
- For J-1 Visa Waiver Contract Guidelines refer to:
http://www.azdhs.gov/hsd/visa_waiver.htm
- For sites that offer a sliding discount-to-fee scale, refer to the Sliding Discount-to-Fee Providers at:
http://www.azdhs.gov/hsd/sfs_provider.htm
- For Arizona sliding discount-to-fee-scale submission and content requirements refer to:
http://www.azsos.gov/PUBLIC_SERVICES/Title_09/9-01.htm
- For additional information on the J-1 visa waiver federal program:
<http://www.hhs.gov/ogha/exchange.html>
- Department of State:
http://travel.state.gov/visa/tempvisitors_info_waivers.html
- **Other sources for job search are:**

The Arizona Association of Community Health Centers:
<http://www.aachc.org>

The University of Arizona Rural Health Office:
<http://www.rho.arizona.edu/>

Arizona Rural Recruitment and Retention Network (3Rnet):
<http://www.3rnet.org/locations/?state=AZ>